

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 22 2013 ★

BROOKLYN OFFICE

STANLEY ARISTILDE EL-BEY,

Plaintiff,

-against-

ANNA M. KROSS CORRECTION FACILITY
et al.,

Defendants.

**MEMORANDUM
AND ORDER**
13-CV-2956 (ARR)(LB)

Ross, United States District Judge:

Pro se plaintiff Stanley Aristilde El-Bey filed this action against the Anna M. Kross Correction Facility at Rikers Island and a host of "Trafficking Agents . . . listed and unlisted." Dkt. #1. The complaint appears to be an action filed under 42 U.S.C. § 1983 alleging constitutional violations stemming from plaintiff's prior incarceration. Plaintiff requests to proceed *in forma pauperis*; however, he states that his financial information is "private." Dkt. #2, at 1-2. Under 28 U.S.C. § 1915, the court may waive the filing fee upon finding a plaintiff indigent. Since plaintiff refuses to disclose any financial information, the court does not have the information it needs in order to make a finding of indigence and waive the filing fee. Thus, the court declines to grant *in forma pauperis* status at this time. In order to proceed with this action, plaintiff must either file an amended request to proceed *in forma pauperis* in which he provides the requested information, or pay the filing fee of \$350, *see* 28 U.S.C. § 1914, and the \$50 general administrative fee to the Clerk of Court. Re-filing must be completed within **fourteen days** of the date of this order. If plaintiff fails to comply with this order within the time allowed, the action shall be dismissed.

Plaintiff is also advised that the complaint as currently pleaded does not state a claim on which relief can be granted. To survive dismissal, a complaint must plead "enough *facts* to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007) (emphasis added). "A claim has facial plausibility when the plaintiff pleads *factual content* that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (emphasis added). The complaint here appears to raise various causes of action including denial of due process, unlawful seizure, and excessive bail, Dkt. #1, at 1, but does not allege any facts that would permit the court to infer that the defendants are liable for the violations alleged. Therefore, if plaintiff wishes to proceed, he will need to file an amended complaint stating the facts that support his claims.

CONCLUSION

The court directs plaintiff to submit an amended request to proceed *in forma pauperis* or pay the filing fee to the Clerk of Court within fourteen days from the date of this order. In the alternative, plaintiff may withdraw this action by informing the court in writing within fourteen days. If plaintiff fails to comply with this order within the time allowed, the action shall be dismissed. The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
May 22, 2013

/S/ Judge Allyne R. Ross

Allyne R. Ross
United States District Judge

Service List:

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